

# WITHDRAWAL SHEET

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<i>Collection Name</i>		<i>Withdrawer</i>			
File Folder	CHRON FILE (08/09/1984-08/27/1984)	<i>FOIA</i>			
Box Number	62	COOK			
DOC NO	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
1	MEMO	ROBERTS TO FRED FIELDING (PARTIAL)	1	8/9/1984	B6
2	MEMO	FIELDING TO CHARLES DONOVAN (PARTIAL)	1	8/9/1984	B6

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Freedom of Information Act - [5 U.S.C. 552(b)]

- B-1 National security classified information [(b)(1) of the FOIA]
- B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- B-3 Release would violate a Federal statute [(b)(3) of the FOIA]
- B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- B-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- B-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E.O. 13233

C. Closed in accordance with restrictions contained in donor's deed of gift.

## THE WHITE HOUSE

WASHINGTON

August 9, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *DSR*

SUBJECT: Response to [REDACTED]

*b6*

Chuck Donovan of White House Correspondence has sent us a "typical" agency draft response to a letter to the President, and has asked whether it is preferable for the White House to transmit the reply or have the agency respond directly. The letter in question concerned possible SBA action in response to default on an SBA loan.

While each case must be examined individually, it seems clear that as a general matter it would be better not to run agency replies through the White House, when the issue concerns loans, contracts, adjudications, and the like. This is of course, the rule with respect to independent agencies, and it certainly makes sense to extend the rule to executive branch agencies, at least with respect to individual matters such as a specific SBA loan. A contrary approach -- having replies prepared at the agency but sent from the White House -- creates the potential for misinterpretation of the White House role in the matter at issue, not only on the part of the correspondent but the agency as well.

A draft memorandum for Donovan, recommending that in this case and similar ones replies come directly from the pertinent agency, is attached for your review and signature.

Attachment

## THE WHITE HOUSE

WASH - 100-101

August 9, 1984

MEMORANDUM FOR CHARLES A. DONOVAN  
DEPUTY DIRECTOR  
WHITE HOUSE CORRESPONDENCE

FROM: FRED F. FIELDING  
COUNSEL TO THE PRESIDENT

SUBJECT: Response to [REDACTED] b6

You have asked whether a reply to a letter to the President, prepared by the Small Business Administration (SBA), should be sent by the agency or by White House Correspondence. The correspondence concerns possible action by the SBA in response to default by the correspondent on an SBA loan.

As a general matter correspondence concerning specific cases pending before agencies should be answered directly by the pertinent agency rather than the White House. This is of course the rule with respect to so-called "independent" agencies; the rule should also be followed with respect to individual cases involving loans, grants, contracts, adjudication, or the like before executive branch agencies. A contrary course of action creates the potential for misinterpretation of the White House role in the agency process not only by the correspondent but by agency personnel as well. Since the instant letter concerns the handling of a specific SBA loan, it should be answered directly by SBA, not the White House.

Thank you for raising this matter with us. If you have any further questions on this score, please do not hesitate to contact this office.

FFF:JGR:aea 8/9/84  
cc: FFFielding/JGRoberts/Subj/Chron